



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/656,325	09/06/2000	Steven D. Nelson	61872-8001.US00	9079
25096	7590	11/12/2009	EXAMINER	
PERKINS COIE LLP			CHAMBERS, TROY	
PATENT-SEA			ART UNIT	PAPER NUMBER
P.O. BOX 1247				3641
SEATTLE, WA 98111-1247				
NOTIFICATION DATE		DELIVERY MODE		
11/12/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentprocurement@perkinscoie.com
skempe@perkinscoie.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: STEVEN D. NELSON, MICHAEL N. DIAMOND,
and JOHN J. WALSH

Application No. 09/656,325
Technology Center 3600

Mailed: November 10, 2009

Before Deborah L. Perry, Supervisory Paralegal Specialist, Review Team.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on September 21, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

EXAMINER'S ANSWER

On June 11, 2009, the Examiner mailed a Miscellaneous Communication withdrawing the Examiner's Answer mailed February 9, 2009, and the Supplemental Examiner's Answer mailed April 23, 2009. A new Examiner's Answer is required to replace these withdrawn communications.

EXAMINER'S CONSIDERATION OF REPLY BRIEF

A Reply Brief was filed in this application on April 9, 2009. There is no evidence on the record indicating that the Examiner has considered the Reply Brief in accordance with 37 CFR § 41.43(a)(1) and MPEP § 1208, part II.

PETITIONS

Appellant(s) filed petitions dated May 29, 2008, and April 9, 2009. There is no indication on the record that the Examiner has considered the above petitions.

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

- 1) mail an Examiner's Answer;
- 2) consider the Reply Brief filed April 9, 2009, as indicated above;

3) consider the petitions filed May 29, 2008, and April 9, 2009, as required; and

4) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

DLP/bar

PERKINS COIE LLP
PATENT-SEA
P.O. BOX 1247
SEATTLE, WA 98111-1247